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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,098	03/19/2004	Jack Mowll	MOWLL-PA-1	7716

7590 02/15/2005  
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EXAMINER

GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,098

Applicant(s)

MOWLL, JACK

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities:

With respect to claim 8, the method of operating the device is dependant on an apparatus claim. It is not clear if it is a method of placing a plurality of turbines being emphasized or a plurality of turbines being connected together (apparatus).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup et al (US 6,836,028) in view of Lebst (US 4,057,270).

Northrup et al discloses a power generating apparatus having a vortex housing 25 with a large frontal opening at one end and a smaller exhaust opening at another end leading to an exhaust channel (see figures 14, 4), a propeller-drive electrical generator 10 mounted inside the exhaust channel for generating electrical power from the rotation of the propellers 20 (column 4, lines 41, 42) and the

housing has a concave internal surface leading rearward to the exhaust opening for channeling fluid (see figure 15, column 6, lines 42-44). Also, the power generating apparatus uses inherently Bernoulli's principle since the vortex housing induces an increase fluid velocity as the fluid passes from the frontal opening to the exhaust opening (column 3, lines 50,51; 56-61) and further discloses using a venture design housing (column 3, line 57). Moreover, Northrup et al discloses a vertical-axis pedestal 70 with base 72 for mounting the vortex housing 25 (see figure 4).

Northrup et al further discloses that wind positioning equipments are known, which rotate the wind collector assembly for optimal receiving of wind (column 5, lines 52-54) and that the device is used for fluid such as wind and water (see abstract). Moreover, Northrup et al discloses inherently that the apparatus takes into consideration the size of the housing, the openings and the velocity of the wind since it is disclosed that a 3-D analytical analysis has been done to determine the size and shape of the venture design (column 4, lines 20-27; column 3, lines 58-61; column 3, line 67 – column 4, line 3). Also, it is disclosed that the power generating apparatus functions under high wind velocities (column 5, lines 26-29). However, Northrup et al does not disclose having a plurality of fins mounted to the housing.

On the other hand, Lebost discloses for the purpose of increasing the effective force of the wind going through wind housings 22, 24, thus increasing power output, a plurality of fins 26, 28 mounted toward the rear of the housing to maintain the frontal opening in a position facing incoming wind (see figures 1, 3; column 3, lines 56-61). Moreover, the fins 26, 28 are centered to the frontal opening (see figures 1, 2) and the fins are fixed to device (posts) 16 and 30 (see figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind power apparatus as disclosed by Northrup et al and to modify the invention by using a plurality of fins for the purpose of increasing the effective force of the wind going through wind housings 22, 24, thus increasing power output as disclosed by Lebost.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup et al and Lebst as applied to claims 1 and 3 above, and further in view of Pacheco (US 2003/0201645).

The combined wind apparatus discloses all of the elements above. However, the combined wind apparatus does not disclose explicitly that it may function at high elevation and seashore areas.

On the other hand, Pacheco discloses for the purpose of increasing the efficiency of a wind turbine that it is well known in the art to place wind turbines in high elevations (paragraph 66, line 16) and wind turbine can be placed in other areas too (see abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power apparatus as disclosed above and to modify the invention by placing the apparatus at high altitudes for the purpose of increasing the efficiency of a wind turbine as disclosed by Pacheco.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup et al and Lebst as applied to claim 1 above, and further in view of Dahill (US 5,977,649).

The combined wind apparatus discloses all of the elements above. However, the combined wind apparatus does not disclose using a plurality of power generating apparatuses connected to combine the power generated.

On the other hand, Dahill discloses for the purpose of enhancing collection of wind streams, thus obtaining a more efficient wind generator, a plurality of wind power generator 200 having a vortex housing 202 (see figure 3) and a plurality of such wind power generators 200 are connected in a circuit to combine the power generated (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power apparatus as disclosed above and to modify the invention by having a plurality of wind generator turbines connected together for the purpose of enhancing collection of wind streams, thus obtaining a more efficient wind generator as disclosed by Dahill.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup et al and Lebst as applied to claims 1 and 3 above, and further in view of Bucklen (US 1,699,949).

The combined wind apparatus discloses all of the elements above. However, the combined wind apparatus does not teach having the fins aligned perpendicular to the frontal opening.

Bucklen teaches for the purpose of placing the propeller into the wind thus obtaining more wind power that it is known to have fins 61, 62 being used in wind turbines to be perpendicular with respect to the oncoming wind (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power apparatus as disclosed above and to use the teaching of Bucklen by having the fins perpendicular to the oncoming wind for the purpose of placing the propeller into the wind thus obtaining more wind power as taught by Bucklen.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julio C. Gonzalez  
Examiner  
Art Unit 2834

Jcg

February 10, 2005